

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RICHARD GOLDBERG,	)	CASE NO. 4:03 CV 2190
	)	
Petitioner,	)	
	)	
v.	)	JUDGE DONALD C. NUGENT
	)	
HONORABLE TIMOTHY P. MALONEY,	)	
et al.,	)	<u>MEMORANDUM OPINION</u>
	)	<u>AND ORDER</u>
Respondents.	)	
	)	

This matter is before the Court on Petitioner, Richard Goldberg's Motion for Stay Pending Appeal. (ECF #102). Mr. Goldberg has appealed this Court's Order finding that he has not established cause and prejudice for his procedural default, and denying his request for habeus relief. Petitioner was ordered to immediately surrender to the Mahoning County Sheriff's Department to serve the remaining seven months on his sentence. The Court of Appeals acknowledged receipt of his appeal on March 29, 2011. (ECF #103).

This Court finds that Mr. Goldberg has not made a strong showing that he is likely to succeed on the merits of his appeal, and that the public interest is best served by requiring him to serve the remainder of his sentence, which was imposed more than ten years ago.

Mr. Goldberg is free to petition the Court of Appeals for a stay of sentence pending resolution of his appeal. However, this Court does not find a stay to be warranted. Petitioner's Motion (ECF #102) is, therefore, DENIED.

IT IS SO ORDERED.

/s/ Donald C. Nugent  
Donald C. Nugent  
United States District Judge

Date: April 7, 2011